

REMARKS

The office action has been carefully considered together with the prior art that has been cited and applied and amendments have been made to claims 32 and 42 in an effort to more accurately define the present invention and to emphasize pre-existing differences between the prior art and the invention as claimed. With these amendments, it is now believed that the rejected claims are in condition for allowance.

Claims 32 and 42 have again been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for the reason that the examiner believed the use of the phrase "a recess" in claims 32 and 42 rendered them indefinite. While the applicants believe there was no ambiguity relating to this phrase in these claims as previously written, both of these claims have been amended to recite that the detent mechanism includes "a spring for biasing said detent into engagement with a *position* recess" so that there is positively no indefiniteness with regard to the subsequent language "and an arcuate member defining a plurality of spaced position recesses".

The examiner has again rejected independent claims 32 and 42 under 35 U.S.C. 102(b) as being anticipated by newly cited Clark, as well as by the newly cited Japanese 202 patent.

It is strongly believed that neither Clark nor the Japanese 202 patent anticipate, teach or suggest independent claims 32 and 42 as they are now amended. In the paragraphs applying Clark to claims 32 and 42, the examiner has attempted to apply the components of a miter saw to the language of claim 32 which is directed to a circular saw, but in doing so, the examiner has distorted the meaning of these terms well beyond what is or should be permitted. One skilled in the art would never interpret Clark in the manner described by the examiner. While the examiner may argue that he is permitted to apply the prior art broadly, there is a common sense limit, beyond which lacks credibility. Applicants believe that limit has been exceeded here.

More particularly, the examiner states that the leg portions 22 of the base 12 are a "foot" and that the claimed saw blade adjustment detent mechanism is met by what Clark describes as a "pivot shaft 40" for connecting the miter saw table to the base 12. This extremely aggressive attempt to meet the language of the claim fails. The attempt breaks down when the examiner states "it is noted that a releasing force is applied to the foot via elements 126, 36, 32, 38." This is a ridiculous application of Clark to the claims. It is submitted that a releasing force cannot be applied to the foot by components such as the arm 36, concentric bosses 32 and 38 and a spring 126. There is no *releasing force* applied by these components. The spring 126 does not apply a releasing force to the base 12 or leg portions 22 in any way, shape or form.

The only way in which a releasing force can be applied is by manipulation of the trigger latch member 118 which causes the detent 122 to be lowered and separated from

the recesses 128. That described operation in Clark has nothing to do with *applying a releasing force to the foot* which causes a detent being disengaged from one of said position recesses.

While this argument alone should be persuasive to have the claim allowed, applicants have amended claim 32 to emphasize the differences between Clark and the claimed circular saw by amending the final clause of the last paragraph of claim 32 to state "said detent being disengaged from one of said position recesses when said foot is moved responsive to a releasing force being applied thereto." This language further distinguishes the claim from the examiner's attempt to indicate that a releasing force is applied to the foot via elements 126, 36, 32, 38. Reconsideration and withdrawal of this rejection is respectfully requested.

Claim 42 has been similarly amended and this rejection should also be withdrawn for the same reasons discussed above.

With regard to the rejection based upon the Japanese 202 patent, it also does not operate in the manner described in the claim 32. While this is a circular saw and is therefore more relevant than Clark, and it does have a foot 1, it does not operate in a manner to have "said detent being disengaged from one of said position recesses when said foot is moved responsive to a releasing force being applied thereto." The only way that the Japanese 202 patent is disengaged is when the detent 11 is pushed in (to the right as shown in FIG. 6) so that the transverse ridges 14 shown in FIGS. 6 and 7 are released from the recesses 13, thereby permitting the desired ability to change the depth of cut of the blade 4.

There is no way that applying a force to the foot would result in the detent being disengaged from one of the position recesses. It is therefore believed that claim 32 and also claim 42 is neither anticipated, taught nor suggested by the Japanese 202 patent.

Since the dependent claims necessarily include the features of the claims from which they depend, and in addition recite other features and/or functionality, it is believed that the pending dependent claims are in condition for allowance.

For all of the foregoing reasons, applicants respectfully request reconsideration and allowance of all unallowed claims. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

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